REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated January 9, 2008.

Rejection of Claims under 35 U.S.C. §102 and §103

Claims 1, 4, 6, 8-10, 12, 15-17 and 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Blea *et al.*, U.S. Patent No. 6,212,531 (*Blea*). Claims 2, 3, 5, 11, 13, 14, 16 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Blea* in view of Berg, U.S. Patent No. 6,222,558 (*Berg*).

Applicants respectfully traverse each of these rejections. Applicants respectfully submit that the argument presented below with respect to independent Claim 1 is generally applicable to Claims 2-6, 8-17, and 18-22, as independent Claims 6, 12, and 17 generally require the same disputed limitations of Claim 1, and claims 2-5, 8-11, 13-16, and 19-22 depend from respective independent claims. Exemplary Claim 1 recites:

A method comprising:

creating a first storage object, wherein creating the first storage object comprises a computer system creating a first storage object description, wherein the first storage object description comprises data that relates the first storage object to first underlying storage objects or to first physical memory regions;

creating a second storage object as a virtual snapshot copy of the first storage object, wherein creating the second storage object comprises the computer system creating a second storage object description, **wherein the second storage object description comprises data identifying the second storage object as a snapshot copy of the first storage object;**

adding to the first storage object description data identifying the second storage object as a snapshot copy of the first storage object;

the computer system transmitting the first storage object description to a first computer system, and;

the computer system transmitting the second storage object description to a second computer system.

For the purposes of addressing the rejections asserted by the present Office Action, Applicants respectfully submit that independent Claims 6, 12, and 17 recite materially similar limitations.

Applicants respectfully submit that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, the identical invention must be shown in as complete detail as is contained in the . . . claim." *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that *Blea* does not anticipate independent Claim 1, because certain elements, specifically recited in Claim 1, are absent from *Blea.* Generally speaking, the Office Action argues a faulty mapping of elements that makes it impossible for the Office Action to argue a *prima facie* case of anticipation.

Specifically, independent claim 1 recites "creating a first storage object description, wherein the first storage object description comprises data that relates the first storage object to first underlying storage objects or to first physical memory regions." The Office Action refers (Office Action of January 9, 2008 ("OA") p. 3, ¶1) to Figure 2A stating:

> "wherein the first storage object description comprises data that relates the first storage object **["Pointers 36" for "Virtual Volume A 32, Figure 2A]** to first underlying storage objects or to first physical storage memory regions **["RAID 18", Figure 2A]**',"

See OA, p.3, ¶1. From this quotation, the Office Action establishes both a purported mapping between the claimed first storage object and Virtual Volume A 32 and an alleged mapping between first underlying storage objects and RAID 18. The Office Action further identifies Pointers 36 as purportedly teaching a first storage object description.

In the next paragraph, the Office Action establishes an incomplete and logically inconsistent mapping. Independent Claim 1 recites "creating a second storage object as a virtual snapshot copy of the first storage object, wherein creating the second storage object comprises the computer system creating a second storage object description, **wherein the second storage object description comprises data identifying the second storage object as a snapshot copy of the first storage object.**" The Office Action refers (p. 3, ¶2) to Figure 2B stating:

> "creating a second storage object **["Virtual Volume B 34", Figure 2B]** as a virtual snapshot copy of the first storage object, wherein creating the second storage object comprises the computer system creating a second storage object description, *wherein the second storage object description comprises data identifying the second storage object* **["Raid 18" Figure 2B]** *as a snapshot copy* **["snapshot copy", Column 2, lines 26-29]** *of the first storage object* **["Virtual Volume A 32", Figure 2B]**."

See OA, p.3, ¶2 (*emphasis added*). From this quotation, the Office Action establishes both an alleged mapping between the claimed second storage object and RAID 18 and a purported mapping between claimed second storage object and Virtual Volume B 34. A logically fatal inconsistency is thus exposed. In order for RAID 18 to teach simultaneously both the recited first underlying storage objects and the recited second storage object requires that no distinction exist between the recited first underlying storage objects and the recited second storage object. Alternatively, the single second storage object must be two separate things, both RAID 18 and Virtual Volume B 34. Such a confused mapping impermissibly eliminates from Claim 1 the recited distinction between the first underlying storage objects and the second storage object.

Applicants respectfully remind the Examiner that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *See* MPEP 2143.03 citing *In re Wilson* 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970).

Applicants further note that the Office Action does establish a prima facie case of anticipation, because the Office Action does not point to any structure in Figure 2B as teaching the recited second storage object description. Were the Examiner to select Pointers 36 as providing a second storage object description, the same problem discussed above would be created with respect to a second recited step. Hence, the Office Action has not stated a *prima facie* case of obviousness against independent Claim 1.

The mapping becomes yet muddier in the third paragraph. Independent Claim 1 recites "adding to the first storage object description data identifying the second storage object as a snapshot copy of the first storage object." The Office Action refers, at p. 3, ¶3, to Figure 2B stating:

> "adding to the first storage object description data identifying the second storage object **["Pointers 38" directing to the underlying "RAID 18" of "Virtual Volume A 32", Figure 2B]** as a snapshot copy of the first storage object **[Virtual Volume A 34, Figure 2B]**"

See OA, p.3, ¶3. The cited arrow (labeled Pointers 38) points to a relationship between Virtual Volume B 34 and "the underlying RAID 18", while the language of the claim describes a relationship between the second storage object and the first storage object. Clearly, the structural difference between that which is claimed and that which purportedly taught by *Blea* necessitates that *Blea* does not anticipate Applicants' Claim 1.

For at least these reasons, Applicants respectfully submit that *Blea* does not anticipate independent Claim 1 or 2-6, 8-17, and 18-22, as independent claims 6, 12, and 17 generally

require the same disputed limitations of claim 1, and claims 2-5, 8-11, 13-16, and 19-22 depend from respective independent claims. Applicants therefore respectfully request withdrawal of the present rejections and a notice of allowance with respect to all pending Claims.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. §1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. §1.16 or §1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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